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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,875	04/16/2001	Mark Vange	CIRC015	5571
25235	7590	07/08/2004	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			MOSLEHI, FARHOOD	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary	Application No.	Applicant(s)	
	09/835,875	VANGE, MARK	
	Examiner	Art Unit	
	Farhood Moslehi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-26-2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 6-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Paul et al. (6,314,456).
4. As per claim 1, Paul teaches a system for providing functionality over a network comprising:

A plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (e.g. Figure 2);

At least one network-connected client computer (e.g. Figure 2); a management component coupled to each of the network-connected servers (e.g. Figure 2); a shifting component within the management component operable to shift data and program components between the network-connected servers so as to configure a selected server to implement a specified set of functions (e.g. col. 1, lines 40-45); and a redirection component responsive to a client request for the specified set of functions to redirect the requesting client to the selected server (e.g. col. 1, lines 40-45).

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5. As per claim 7, it is rejected for similar reasons as stated above.
6. As per claim 10, it is rejected for similar reasons as stated above.
7. As per claim 14, it is rejected for similar reasons as stated above.
8. As per claim 15, it is rejected for similar reasons as stated above.
9. As per claim 16, it is rejected for similar reasons as stated above.
10. As per claim 17, it is rejected for similar reasons as stated above.
11. As per claim 2, Paul teaches the system wherein the selected network server

further comprises:

A data storage mechanism (e.g. col. 1, lines 40-50);

Processes responsive to client requests to accesses data in the data storage mechanism (e.g. col. 1, lines 40-50); and processes operable to generate a response to the client requests using the accessed data (e.g. col. 1, lines 45-54).

12. As per claim 3, Paul teaches the system further comprising:

Processes operating independently of client requests to update data contained within the data storage mechanism (e.g. col. 1, lines 33-40).

13. As per claim 4, Paul teaches the system wherein the data storage mechanism comprises a cache (e.g. col. 1, lines 33-40).

14. As per claim 6, Paul teaches the system wherein at least one of the network-connected servers is designated as a central authority for a particular set of functions and the program components implement processes for communicating with the central authority (e.g. col. 2, lines 50-60).

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15. As per claim 8, Paul teaches the system wherein the plurality of network-connected servers comprise:

A first network-connected server in communication with the client (e.g. col. 3, lines 44-50);

A second network-connected server in communication with the first network-connected server, wherein the redirection component operates within the first network-connected server to identify and communicate with the second network-connected server to enable the first network-connected server to respond to the client request (e.g. col. 3, lines 50-60).

16. As per claim 9, Paul teaches the system wherein the first and second network-connected servers communicate with each other over an enhanced communication channel (e.g. col. 3, lines 26-35).

17. As per claim 11, Paul teaches the system wherein the web site includes functionality that is implemented by service applications running on both the first and second web servers (e.g. col. 4, lines 55-65).

18. As per claim 12, Paul teaches the system wherein the web site content is provided by the first web server and the web site functionality is provided by service applications running on the first web server.

19. As per claim 13, it is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul in view of Gauvin et al. (5,991,760) (hereinafter Gauvin).

22. As per claim 5, Paul does not specifically teach the system wherein the program components implement a database management system interface. Gauvin teaches the system wherein the program components implement a database management system interface (e.g. col. 6, lines 17-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Paul with Gauvin. The motivation would have been to redirect database requests and distribute load for accessing a database.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm



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